

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

PEGGY JANELL CODY

PLAINTIFF

VS.

CIVIL ACTION NO. 3:05-cv-379-HTW-JCS

PAN-AMERICAN LIFE INSURANCE COMPANY,  
STEVEN C. SUMMERS, d/b/a SUMMERS FINANCIAL  
GROUP, DISTRIBUTION BY DATAGEN, INC., AND  
DEFENDANTS A, B and C

DEFENDANTS

**ORDER OF DISMISSAL**

THIS CAUSE came before the Court on the Motion for Summary Judgment of Defendant Pan-American Life Insurance Company, which was joined in by Defendant Distribution by Datagen, Inc., and upon the Motion to Dismiss of Defendant Steven C. Summers. The Court, after hearing oral argument on the motions on August 15, 2007, announced from the bench its decision to grant the pending motions and to dismiss this action without prejudice for failure of the Plaintiff to exhaust her administrative remedies under ERISA. Accordingly, for the reasons set forth more fully on the record at the hearing on August 15, 2007,

IT IS HEREBY ORDERED AND ADJUDGED that this action be and it is hereby **dismissed without prejudice** as to all claims and all defendants.

THIS the 31st day of August, 2007.

s/ HENRY T. WINGATE  
CHIEF UNITED STATES DISTRICT JUDGE